

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance
(916) 322-5662

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322-5660

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322-5901

• • Enforcement
322-6441

May 15, 1984

Betty Taylor
Administrative Assistant
Department of Food &
Agriculture
1220 N Street
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-84-109

Dear Ms. Taylor:

Thank you for your letter requesting advice on behalf of Director Clare Berryhill, Assistant Director Lori Johnston, and Jim Wells, Chief of the Pesticide Enforcement Unit concerning their financial disclosure obligations under the Political Reform Act.^{1/}

These three officials, at the request of the California Agricultural Aircraft Association (CAAA), went to Kings County on February 24, 1984, to view the agricultural chemical aerial spraying operation of Lakeland Dusters. Companies such as Lakeland Dusters are subject to laws and regulations enforced by the Department of Food and Agriculture pertaining to the mixing of agricultural chemicals and to the aerial application of such products. In particular, CAAA wanted the Department's officials to view first-hand a "closed-system mixing operation." Transportation to and from the Lakeland Dusters operation was by private plane provided by Lakeland Dusters. You asked whether the provision of this transportation constitutes a gift which must be reported on the officials' Statements of Economic Interests.

Section 82028 defines "gift" to include "any payment to the extent that consideration of equal or greater value is not received...." Accordingly, the receipt of these officials of

^{1/} Government Code Sections 81000-91014. All statutory references are to the Government Code.

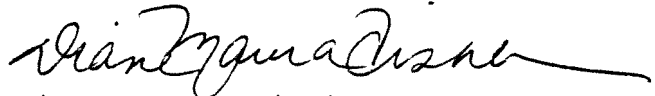
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the private air transportation from Lakeland Dusters is a gift which must be reported on their next Statement of Economic Interests. In valuing the gift, the officials may utilize either the commercial air rate for a similar trip or the charter rate divided by the number of passengers. Opinion requested by Peter G. Stone, 3 FPPC Opinions 52 (No. 77-003, June 9, 1977) (copy enclosed). They should also include the value of any meals or other gifts, if any, received from the company during the trip.

If the value of this gift plus any other gifts or income received by an official from Lakeland Dusters, if any, exceeds \$250, the official must be careful to refrain from participating in any decisions which could have a material financial effect on Lakeland Dusters. Sections 87100-87103.

If I can be of further assistance, please feel free to contact me at (916) 322-5901.

Sincerely,



Diane Maura Fishburn
Staff Counsel
Legal Division

DMF:plh
Enclosure

Memorandum

To : Jeannette Turvill
Fair Political Practices Commission
1100 K Street
Sacramento, CA 95814

APR 30 9 14 AM '84

Date : April 26, 1984

Place : Sacramento

Phone: 5-7126

From : Department of Food and Agriculture

Subject: Air Transportation by Private Aircraft

Among the laws and regulations enforced by the Department of Food and Agriculture are those pertaining to the mixing of agricultural chemicals and to the aerial application of such products.

The California Agricultural Aircraft Association (CAAA) requested that Director Berryhill and top staff involved with these regulations view first hand a closed-system mixing operation. Members of CAAA were experiencing difficulty in complying with certain aspects of our regulations; they felt a demonstration of the closed-system in operation would be helpful to our staff in understanding the industry's problem and seeking a mutually satisfactory resolution of it.

On February 24, Director Berryhill flew to the Lakeland Dusters operation in Kings County. He was accompanied by Lori Johnston, Assistant Director, and Jim Wells, Chief of the Pesticide Enforcement Unit. Transportation was by private plane provided by Lakeland Dusters. The group left Sacramento early on the morning of the 24th and returned about mid-afternoon.

Is the transportation provided by Lakeland Dusters to be considered a gift?
Is it to be reported as such on Form 730?

We would appreciate your guidance in this matter. If you have any questions, please contact me.



Betty Taylor
Administrative Assistant